THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10278 OF 2006

09.06.2006

Between:

Uppalauri Ramachandra Reddy, S/o.Eshwar Reddy

… Petitioner

AND

The District Collector, Ranga Reddy

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10278 OF 2006

ORDER:

The petitioner allegedly purchased land admeasuring Acs.1.00 in survey No.283/20 from one Gunde Babaiah. He alleges that before such purchase he verified the title of his vendor and came to know that the Revenue Divisional Officer, Hyderabad East (RDO) classified the land as private patta land as it was implemented in supplementary sethwari by the Assistant Director of Survey and Settlements. He further alleges that the land he purchased is not government land or assigned land, but one month prior to filing of the writ petition the respondents started visiting the land and that there is threat of eviction from the land. The petitioner therefore filed the instant writ petition seeking a writ of Mandamus declaring the action of the respondents in threatening to dispossess the petitioner as illegal and arbitrary.

At the stage of preliminary hearing itself, the learned Assistant Government Pleader for Revenue (Assignment) has obtained instructions. He brought to the notice of this Court that a similar writ petition being W.P.No.6003 of 2006 was filed and this Court

after verifying the record produced by the revenue officials dismissed the writ petition holding that the assigned land, which was purchased by the petitioner, was resumed after duly following the provisions under the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity).

The file produced by the learned Assistant Government Pleader would show that after issuing notice to Gunde Babaiah, the Mandal Revenue Officer, Hayathnagar Mandal (MRO) passed orders on 25.7.2005 resuming the land in survey No.280/20 admeasuring Acs.3.00. This is however denied by the learned Counsel for the petitioner. It is further submitted that no valid notice was issued to the petitioner's vendor and that by reason of the proceedings issued by the RDO in 1993, the land was ceased to be assigned land. According to the learned Counsel for the petitioner, the provisions of the Act have no application.

The resumption order was passed by the MRO on 25.7.2005, more than a year back. Whether the land, which was purchased by the petitioner from Gunde Babaiah, is patta land or assigned land is a matter, which has to be verified with reference to the record and after examining the genuineness of certain records. These disputed matters cannot be adjudicated in a writ petition. The petitioner, however, has efficacious alternative remedy by way of appeal to the jurisdictional RDO under Section 4A of the Act and therefore he is given liberty to approach the appellate authority. Be it also observed that as and when such appeal is preferred before the jurisdictional RDO, the appeal may be entertained and appropriate orders may be passed within two months from the date of presentation of the appeal.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

June 09, 2006

YS